

AN AGREED CASE

Of Importance to Olua Lease Holders.

Supreme Court to Pass on Rights of Those Who Took Up Land in That District.

There has been filed in the Supreme Court a document of considerable importance to owners and lessees of land in the Olua district of Hawaii. It is the submission of an agreed case, which will determine the rights of all parties who may be similarly affected. The case will come up at the September term and it is entitled E. A. Horan, plaintiff, against Sanford B. Dole, as President, J. A. King, as Minister of the Interior, and J. F. Brown, as Agent of Public Lands, respectively, of the Republic of Hawaii. Following is the statement of facts agreed on:

That on the 25th day of January, 1894, the plaintiff, E. A. Horan, purchased of A. G. Curtis lease No. 50, Series B, to lot No. 284 in the District of Puna, Olua survey, Island of Hawaii; that said lease was duly assigned in writing and said transfer authorized by the written consent of the Crown Land Commissioners endorsed thereon.

That the plaintiff immediately after said assignment took possession of the lot, paid the rent as it became due, and occupied and cultivated and improved the premises according to the stipulations of the lease from the date of said assignment up to the 20th day of June, 1898, at which time he made application for the purchase of the lot.

That the reason plaintiff applied for a patent to said land at that time was that his money and resources were exhausted, and in order to cultivate the land he then had planted in coffee, and to clear and cultivate an additional area, it was necessary for him to raise money, and that the only means he had of so doing was by procuring a patent of said land and mortgaging the same.

That on July 1st, 1898, an agreement of sale was entered into with the Commissioners of Public Lands for said lot 284; that he performed all the conditions required and a patent was issued to him for the same, containing an area of forty-seven and a quarter acres; that since the issuance of said patent he has continued to reside upon, cultivate and improve said land, and on June 6, 1899, and now, has the entire area under cultivation, and has placed improvements thereon valued at \$2,400, and has expended in actual cash on said land the sum of \$9,000.

That when the plaintiff entered into the agreement of sale with the Commissioners of Public Lands, he did not intend to waive his right to take the additional amount of land allowed to him under Section 76, Part IX of the Land Act of 1895.

That when the new Olua survey was made the plaintiff immediately made preparation to make application for the purchase of additional land allowed him under the law; that he was advised by the sub-agent at Hilo that he would not be permitted to purchase land for the reason that he had received a patent for the land covered by his lease; that on April 7th he addressed a letter to President Dole and the Minister of the Interior in which he stated that he neglected to make application for the additional area allowed him under the law and asked the privilege of taking 150 acres of the new Olua survey, shortly to be opened, and saying, "I think you will agree with me that it will be too bad after spending \$9,000 in improving my present lot, which is all planted to coffee and contains 47 1/2 acres, if I lose the right to take up additional area, as I find it will take a larger area than I now hold at present to make coffee pay."

To this letter President Dole replied: "The Government is considering the matter of all Crown lessees under similar circumstances, and if any of them are granted the privilege of taking up the additional amount allowed by law you will have the same chance as the rest. It is my expectation that they will all be allowed this privilege."

That the plaintiff accepted the letter of President Dole as a promise and guarantee that he would be allowed the privilege of taking additional lands, notwithstanding the fact that he had taken a patent, if any of the Crown land lessees were given this privilege.

That on the 24th of April, 1899, a notice was published that lessees of Olua lots under leases from the Crown Land Commissioners who had not taken up the additional land to which they were entitled might make application for such additional land within the portion of the new Olua tract shown and numbered as lots 100 to 136.

That in pursuance of such notice the plaintiff presented himself in person at the office of the sub-agent in Hilo on the 6th of June, 1899, with the other Crown land lessees and presented his application for the purchase of additional land under said Section 76, Part IX, of the Land Act of 1895.

That the plaintiff made his application in the usual form, which was accepted by the sub-agent, and he was given a number in drawing for position in the line for selection of lots, and he selected lots 107, 108 and 109 in the new Olua survey, containing an area of 150 acres.

That on the 30th day of June, 1899, the defendants, acting in their official capacity, denied the plaintiff's application and refused to issue to him a patent for the lots selected.

That Crown land lessees in Olua who appeared at the Land Office in Hilo on the said 6th day of June, 1899, have been permitted to purchase additional land so as to make their aggregate holding 300 acres or less, and patents conveying the same in fee have been issued therefor.

The plaintiff contends that under the law and the facts he is entitled as of

right to purchase, at the appraised value, the lots selected by him, to-wit: Olua lots Nos. 107-8-9, and asks that the defendants be ordered to issue to him a patent conveying the same to him in fee on receipt of the appraised value of the said lands.

The defendants deny this right and assert that the plaintiff lost the right or privilege of purchasing additional land when he accepted a patent for the land held under his Crown land lease. LeBlond & Galbraith and Cathcart & Parke for plaintiff, and Attorney General Cooper for the defendants.

Nearly Run Down

The schooner, Blanche and Ella, which is owned by Captains Nilson and Dudoit, had a narrow escape from being run down by a strange bark last Saturday night. Captain Nilson, who was at the wheel when the lookout sang out the warning, had barely time enough to put the helm hard to port before the stranger flew by.

TO PLANT TREES

Some Prizes for Willing Workers.

Inducements Offered for the Improvement of Residence at the Leper Settlement.

The following prizes have been offered with a view to encouraging tree-planting and the improvement of residence grounds at the Leper Settlement:

The Hawaiian Star, the Pacific Commercial Advertiser, Evening Bulletin and Independent, newspapers of Honolulu, offer prizes of \$50, \$40, \$30, \$20 and \$10 respectively, to be paid to such persons residing at Kalaupapa or Kalaupapa, Molokai, who shall show the best results in tree-planting at said Kalaupapa or Kalaupapa between August 1, 1899, and October 1, 1900. No person is to be entitled to more than one prize. Trees planted prior to August 1, 1899, not to be included. A committee of three persons will award the prizes. In making the awards the committee are not to be governed only by the number of trees planted, but all the circumstances are to be taken into consideration. The committee to consist of the following members: W. O. Smith, C. B. Reynolds, William Netley, William O. Smith, of Honolulu, offers five prizes of \$25, \$20, \$15, \$10 and \$5 respectively to the persons residing at Kalaupapa or Kalaupapa, Molokai, who shall show the best results in improving the condition and appearance of their respective premises between August 1, 1899, and April 1, 1900. No person is to be entitled to more than one prize. The committee appointed to award the prizes for tree-planting will award these prizes. In making the awards the committee will, so far as they can, take into consideration, all of the circumstances. The removal of stones, planting grass and flowers, and similar improvements, will be considered by the committee. Prizes to be paid in April, 1900.

THE BIDWELL ESTATE.

Supplementary Report Filed by the Master, Henry Smith.

In the matter of the Estate of Evelyn Bidwell, a minor, a motion has been filed by Humphreys & Hankey, attorneys for Fannie B. Nichols, the next friend of said minor, that the supplementary report of Henry Smith, appointed master therein, be confirmed and that a decree be entered in conformity therewith.

In the supplementary report referred to, Henry Smith, as master, finds that the total interest chargeable against Jonathan Shaw, the guardian, for various sums retained in his hands for various periods instead of reinvesting the same, to be \$262.63. The master also says that the previous comment in regard to the commissions due the guardian should be rescinded, as being contrary to the ruling of the Court, of which ruling the master had not been previously informed. As forming a basis on which to fix the guardian's bond the master reports the following assets in the guardian's hands: Eight shares C. Brewer & Co. stock, \$900; cash on hand, \$5,985.24; interest now charged to guardian, \$262.63; total, \$7,047.87.

A LAKE UNDER LONDON.

To London, as to almost every large city, the question of a water supply has been a serious problem. Londoners now see a way to solve it. The engineer of the County Council has informed that body, says the Golden Penny, that underlying London is an immense lake, in a chalk basin 2500 square miles in extent.

The annual rainfall that sinks to this lake, 100 feet below the surface of the ground, amounts to 280,000,000,000 gallons, which would give a daily yield of 767,000,000 gallons.

An artesian well has already tapped the lake at Clapham, and it is pointed out that all that is necessary to insure a water supply is to sink a sufficient number of wells. The wonder is that London should have existed more than two thousand years and never discovered that the great lake was beneath it.

President Dole.

News was received by the Ke Au Hou last night that President Dole would not return from Kauai for several days, as Mrs. Dole had been suffering from a slight illness.

PROBATE CASES

Petitions for Letters of Administration.

Inventory of the Robert Grieve Estate—Adopted Child Who Is Not an Heir.

Jennie Grieve has presented her petition to Judge Stanley praying that letters of administration on the estate of Robert Grieve, deceased, may be granted to James L. McLean.

The petition sets forth the value of the estate as about \$41,462.30, consisting as follows: House and lot on Beretania street, near Penasacola, \$4,700; house and lot on Beretania street, near Kapiolani, \$5,000; house and lot on Nuuanu street, near Kukui, \$2,000; house and lot on Kukui place, \$2,000; leasehold of old Gazette building on Merchant street, \$7,000; printing office, \$4,000; cash in Bishop & Co.'s bank, \$1,500; household furniture, \$300; 25 shares Inter-Island S. S. Co. stock, \$2,500; 5 shares Wilder S. S. Co. stock, \$500; 2 shares People's Ice Co. stock, \$200; 5 shares Hawaiian Construction Co. stock, \$500; investments and cash in hands of W. R. Castle, \$10,262.30.

The heirs of deceased are Jennie Grieve, widow; W. L. Grieve, son; Mrs. Jennie R. McLean, daughter.

The usual order of publication of notice of time and place of hearing has been made.

Judge Perry has granted the petition of Frederick J. Wilhelm for letters of administration on the estate of Kamila Paulo Wilhelm, his deceased wife, who died in Honolulu on June 9th. The estate is valued at about \$10,000 and consists of the residence on Keomoku and Young street, four houses on King street, opposite Catholic Cemetery; twelve acres of land in Niihau, Molokai, and thirteen fully paid up shares of the Onu Sugar Company.

The heirs of the deceased are Frederick J. Wilhelm, Libby Ili Smithies. An adopted child, Frederick Albert Smith Wilhelm, is not entitled to participate in the estate under a special clause in the agreement of adoption. The bond of the administrator is fixed at \$5,000.

DOAN'S BACKACHE KIDNEY PILLS

Which Is Better: To Try an Experiment, or Profit By a Honolulu Citizen's Experience?

Something new is an experiment. Must be proven to be as represented. Be successful at home or you doubt it.

The manufacturer's statement is not convincing proof of merit. But the endorsement of friends is. Now, supposing you had a weak back.

A lame, or aching one. Would you experiment on it? You will read of many so-called cures.

But they come from far-away places. It's different when the endorsement comes from home. Always remember,

Home endorsement is the proof that backs every box of Doan's Backache Kidney Pills.

Mr. H. S. Swinton, of this city, says: "I was a long sufferer from backache, having been afflicted with it for twelve years. Taking this as a symptom of kidney trouble, and seeing Doan's Backache Kidney Pills advertised as being good for complaints such as mine, I procured some of them at the Hollister Drug Co.'s store. I found upon taking them that they were doing me good, and was thereby encouraged to keep on until now I am cured of the backache. The merits of Doan's Backache Kidney Pills have been strikingly shown in my case, and I recommend them to other sufferers."

Doan's Backache Kidney Pills always have the picture of a leaf on the wrapper. In asking for Doan's Backache Kidney Pills ask for the kind which cured Mr. Swinton, and see that the leaf is on the wrapper.

Doan's Backache Kidney Pills are sold by all chemists and storekeepers at 50 cents per box, six boxes \$2.50, or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

Will Take a Vacation.

A. C. Lovekin, secretary of the Bishop Estate, will leave on the Australia next Tuesday for a two months' vacation. He will go as far as Buffalo, N. Y., stopping at various points of interest en route.

The Strike Ended.

The strike of the boiler-makers of the Honolulu Iron Works is past. Foreman McKay, who was the bone of contention, handed in his resignation, which was accepted. Everything is running smoothly again.

MISS BOWLES SAVES SOULS.

Miss Melvin K. Bowles, of Prospect, Wis., is just 16 years old. One year ago she was given an unlimited license to preach by the Honey Creek quarterly meeting of the Free Baptist church. Recently she preached the opening sermon at the yearly meeting of the church, a great audience being present. Miss Bowles will attend the Theological seminary at Hindsdale, Mich., after she gets out of school.

Sure Cure for Colds

When the children get their feet wet and take cold give them a hot foot-bath, a bowl of hot drink, a dose of Ayer's Cherry Pectoral, and put them to bed. The chances are they will be all right in the morning. Continue the Cherry Pectoral a few days, until all cough has disappeared.

Old coughs are also cured; we mean the coughs of bronchitis, weak throats and irritable lungs. Even the hard coughs of consumption are always made easy and sometimes cured by the continued use of

Ayer's Cherry Pectoral

Your own doctor will explain this to you. He knows that wild cherry bark is the best remedy known to medical science for soothing and healing inflamed throats and lungs. You may rely upon Ayer's Cherry Pectoral to stop your cough.

Beware of worthless imitations. The name Ayer's Cherry Pectoral is blown in the glass of each bottle. Put up in two sizes.

HOLLISTER DRUG CO., Agents

LOCAL BREVITIES.

Mrs. Joseph Sisson died in Hilo a week ago last Saturday.

Mrs. John Lucas, who is on Hawaii, is recovering from a sprained ankle. Captain William Matson is to build a large warehouse at Waiakoa, Hilo.

There were ninety-two deaths from various causes during July in Honolulu.

This Kinau brought the heaviest passenger list from Hilo in her history this last trip.

Mrs. J. T. Stacker and children have gone to the Mainland for a three months' visit.

The City of Columbia is billed to make the start for Hongkong again in about a week.

Alex Cockburn, the Kailua merchant, is in the city. Mrs. Cockburn accompanies him.

The Badger sailed for San Francisco at 10 o'clock Saturday morning. She did not carry mail.

It has been decided to procure funds and go ahead with building a Chinese mission church at Hilo.

George P. Castle is making considerable improvements to property he has recently purchased at Waikiki.

A guard-rail has been erected in front of the excavation for the new Thurston building on Merchant street. Schroeder's Walluku Hotel has been removed to the building next to Hoffman & Vettesen's store and a few doors away from the old location.

Contractor Hoffman, who was to build the Beretania street school, has had to send to the Coast for workmen, as there is a scarcity of skilled labor here.

Malehini, an old-time offender, was sentenced to six months' imprisonment yesterday for larceny in the second degree. He was caught rumaging in the till of a Chinese store in Palama.

E. JOHNSON, President. DR. W. S. NOBILITT, General Manager and Medical Director. LEO SCHELLBERG, Assistant Mgr.

Hawaiian Medicine Co.

LINCOLN BLOCK (upstairs). KING ST., HONOLULU.

We Manufacture a Line of Pure Family Medicines.

One is the PAUEHA COLIC MEDICINE.

It is the best medicine in the world for colic in infants, children or adults. RELIEVES as though by MAGIC all abdominal and stomach pains. It contains no morphine, laudanum or other preparations of opium, and can be given with safety to the youngest infant.

FREE CONSULTATION to purchasers from 11 a. m. to 12 m. Salesroom open from 9 a. m. to 6 p. m.

Pacific Mail Steamship Co.

Occidental & Oriental Steamship Co.

AND Toyo Kisen Kaisha.

Steamers of the above companies will call at Honolulu and leave this port on or about the dates below mentioned:

FOR JAPAN AND CHINA: FOR SAN FRANCISCO:

AMERICA MARU	JULY 29	CHINA	AUG. 8
CITY OF PEKING	AUG. 8	DORIC	AUG. 15
GARLIC	AUG. 16	NIPPON MARU	AUG. 25
HONGKONG MARU	AUG. 24	RIO DE JANEIRO	SEPT. 2
CHINA	SEPT. 1	COPTIC	SEPT. 12
DORIC	SEPT. 9	AMERICA MARU	SEPT. 19
NIPPON MARU	SEPT. 19	CITY OF PEKING	SEPT. 29
RIO DE JANEIRO	SEPT. 26	GARLIC	OCT. 7
COPTIC	OCT. 6	HONGKONG MARU	OCT. 14
AMERICA MARU	OCT. 13	CHINA	OCT. 24
CITY OF PEKING	OCT. 21	DORIC	OCT. 31
GARLIC	OCT. 31	NIPPON MARU	NOV. 10
HONGKONG MARU	NOV. 8	RIO DE JANEIRO	NOV. 17

For general information apply to H. HACKFELD & Co., Ltd. Agents.

The Elgin

WORLD'S STANDARD FOR TIME KEEPING.

Should be in the pocket of every wearer of a Watch.

Many years' handling of Watches convinces us, that prices considered The Elgin is the most satisfactory of American Watches.

Cased in . . . NICKLE, SILVER, GOLD FILLED AND SOLID GOLD.

We have a full line and sell them at right prices.

ELGINS reach us right. ELGINS reach you right.

Elgins stand for what is right in time keeping and lasting qualities, and that is why we are right in pushing the Elgin Watch.

H. F. WICHMAN BOX 342.

Wider's Steamship Company

—LIMITED—

TIME TABLE

S. S. KINAU, FREEMAN, Master.

MOLOKAI, MAUI, HAWAII.

Will leave Honolulu every Tuesday at 12 o'clock M., touching at Kaunakakai, Lahaina, Maunaloa Bay, Kihai, Makana, Mahukona, Kawaihae and Laupahoehoe, arriving at Hilo Wednesday evenings.

Returning will sail from Hilo every Friday at 6 p. m., touching at above named ports, arriving at Honolulu Saturday nights.

Will call at Pohoiki, Puna, once each month.

The popular route to the volcano is via Hilo. \$40 for the round trip, including all expenses.

S. S. CLAUDINE, CAMELON, Master.

MAUI.

Will leave Honolulu every Tuesday at 5 p. m., touching at Lahaina, Kahului, Niihau, Hana, Hamoa and Kipahulu, Maui. Returning, touches at above named ports, arriving at Honolulu Sunday mornings.

Will call at Nuu, Kaupo, once each month.

S. S. LEHUA, BENNETT, Master.

MOLOKAI, MAUI, LANAI.

Sails every Monday for Kaunakakai, Kamalo, Maunaloa, Kapaemahu, Lahaina, Honolulu, Olowalu. Returning, arrives at Honolulu Saturday mornings.

This company reserves the right to make changes in the time of departure and arrival of its steamers WITHOUT NOTICE, and it will not be responsible for any consequences arising therefrom.

Consignees must be at the Landings to receive their Freight; this Company will not hold itself responsible for freight after it has been landed.

Live Stock received only at owner's risk.

This Company will not be responsible for Money or Valuables of passengers unless placed in the care of Purser.

Passengers are requested to purchase tickets before embarking. Those failing to do so will be subject to an additional charge of twenty-five per cent.

The Company will not be liable for loss of, nor injury to, nor delay in, the delivery of baggage or personal effects of the passenger beyond the amount of \$100.00, unless the value of the same be declared, at or before the issue of the ticket, and freight is paid thereon.

All employees of the Company are forbidden to receive freight without delivering a shipping receipt therefor in the form prescribed by the Company and which may be seen by shippers upon application to the purser of the Company's steamers.

Shippers are notified that if freight is shipped without such receipt, it will be solely at the risk of the shipper.

C. L. WIGHT, President.

S. B. ROSE, Secretary.

CAPT. T. K. CLARKE, Port Supt.

Metropolitan

Meat Company

NO. 507 KING ST.

HONOLULU, H. I.

Shipping and Family

Butchers.

NAVY CONTRACTORS.

G. J. WALLER, Manager.

Highest Market Rates paid for Hides, Skins and Tallow.

Purveyors to Oceanic and Pacific Mail Steamship Companies.